

AMENDED IN ASSEMBLY JUNE 17, 2008

AMENDED IN SENATE APRIL 21, 2008

AMENDED IN SENATE APRIL 3, 2008

SENATE BILL

No. 1694

**Introduced by Senators Florez, Perata, and Ridley-Thomas
(Coauthor: Senator Calderon)**

February 22, 2008

An act to amend Sections 14102, 14272, and 14432 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1694, as amended, Florez. Elections: primary election ballots.

(1) Existing law requires an elections official to provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on election day using the precinct's voter turnout history as the criterion, but in no case shall the number of official ballots be less than 75% of registered voters in the precinct, and to provide the additional number of ballots that may be necessary for vote by mail and emergency purposes.

This bill would also require an elections official to provide a sufficient number of ballots of each qualified political party in each precinct to reasonably meet the needs of the voters not registered as intending to affiliate with any one of the political parties participating in the election who request a partisan ballot, as specified. The bill would state that the Legislature finds and declares that these amendments are declaratory of existing law.

(2) Under existing law, before each voter enters the voting booth, the precinct board is required to inform him or her how to operate the

voting device. If a marking or punching device is used, the voter must be instructed to use only that device. Also, the voter is instructed how to fold the ballot and place it in the envelope. If any voter, after entering the booth, asks for information regarding the operation of the machine or device, the precinct board must give him or her the information.

The bill would additionally require the precinct board, before each voter not registered as intending to affiliate with any one of the political parties participating in the election enters the voting booth, to provide a notice to the voter at a primary election that identifies those ballots the voter is eligible to cast a vote for, instruct the voter how to fill out the notice, record specified information, and give the voter the ballot he or she requested. *The bill would also require that the notice given by the precinct board be translated into a language other than English in accordance with the federal Voting Rights Act and existing state law.*

(3) Existing law sets forth election day procedures for precinct boards and elections officials. Under existing law, a precinct board must enclose and seal in one or more packages, as determined by the elections official, specified elections materials, including the roster of voters and the assisted voter's list.

The bill would also require, at a primary election, the precinct board to enclose and seal specified information regarding which ballots voters not registered as intending to affiliate with any of the political parties participating in the election received.

(4) By requiring a higher level of service from local elections officials, the bill would impose a state-mandated local program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known as the Elections Reform
2 Act of 2008.

1 SEC. 2. Section 14102 of the Elections Code is amended to
2 read:

3 14102. (a) (1) For each statewide election, the elections
4 official shall provide a sufficient number of official ballots in each
5 precinct to reasonably meet the needs of the voters in that precinct
6 on election day using the precinct's voter turnout history as the
7 criterion, but in no case shall this number be less than 75 percent
8 of registered voters in the precinct, and for vote by mail and
9 emergency purposes shall provide the additional number of ballots
10 that may be necessary.

11 (2) The number of party ballots to be furnished to any precinct
12 for a primary election shall be computed from the number of voters
13 registered in that precinct as intending to affiliate with a party, and
14 the number of nonpartisan ballots to be furnished to any precinct
15 shall be computed from the number of voters registered in that
16 precinct without statement of intention to affiliate with any of the
17 parties participating in the primary election.

18 (3) Using the precinct's voter turnout history as the criterion,
19 the elections official shall also provide a sufficient number of
20 ballots of each qualified political party in each precinct to
21 reasonably meet the needs of the voters not registered as intending
22 to affiliate with any one of the political parties participating in the
23 election who request a ballot of a qualified political party pursuant
24 to subdivision (b) of Section 14272.

25 (b) For all other elections, the elections official shall provide a
26 sufficient number of official ballots in each precinct to reasonably
27 meet the needs of the voters in that precinct on election day, using
28 the precinct's voter turnout history as the criterion, but in no case
29 shall this number be less than 75 percent of the number of
30 registered voters in the precinct, and for vote by mail and
31 emergency purposes shall provide the additional number of ballots
32 that may be necessary.

33 SEC. 3. Section 14272 of the Elections Code is amended to
34 read:

35 14272. (a) Before each voter enters the voting booth, the
36 precinct board shall inform him or her how to operate the voting
37 device. If a marking or punching device is used, the voter shall be
38 instructed to use only that device. The voter shall also be instructed
39 how to fold the ballot and place the ballot in the envelope. If any
40 voter, after entering the booth, asks for information regarding the

1 operation of the machine or device, the precinct board shall give
2 him or her the information.

3 (b) At a primary election, in addition to the requirements
4 described in subdivision (a), before each voter not registered as
5 intending to affiliate with any one of the political parties
6 participating in the election enters the voting booth, the precinct
7 board shall do all of the following:

8 (1) Provide a notice to the voter that identifies those ballots that
9 the voter is eligible to cast at that election. *The notice required by*
10 *this paragraph shall be translated into a language other than*
11 *English in accordance with Section 14201 of this code and Section*
12 *203 (42 U.S.C. Sec. 1973aa-1a) and Section 4(f)(4) (42 U.S.C.*
13 *Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.*

14 (2) Instruct the voter to check a box on the notice that identifies
15 which ballot he or she wishes to vote and to return that notice to
16 the precinct board.

17 (3) Record the information described in subdivision (d) of
18 Section 13102.

19 (4) When the precinct board receives the notice, the precinct
20 board shall give the voter the ballot he or she requested.

21 SEC. 4. Section 14432 of the Elections Code is amended to
22 read:

23 14432. The precinct board shall enclose and seal in one or two
24 packages, as determined by the elections official, all of the
25 following:

26 (a) Two tally sheets, if ballots are to be tabulated manually at
27 the precinct.

28 (b) The roster of voters.

29 (c) The copy of the index used as the voting record.

30 (d) The challenge list.

31 (e) The assisted voter's list.

32 (f) The record of information specified in paragraph (3) of
33 subdivision (b) of Section 14272.

34 SEC. 5. The Legislature finds and declares that the amendments
35 to Section 14102 of the Elections Code made by this act do not
36 constitute a change in, but are declaratory of, existing law.

37 SEC. 6. If the Commission on State Mandates determines that
38 this act contains costs mandated by the state, reimbursement to
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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